

S/N 09/503,960

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Robert J. Ratterman et al.

Examiner: Beth Van Doren

Serial No.: 09/503,960

Group Art Unit: 3623

Filed: February 14, 2000

Docket No.: 2043.002US1

Title: DETERMINING A COMMUNITY RATING FOR A USER USING
FEEDBACK RATINGS OF RELATED USERS IN AN ELECTRONIC
ENVIRONMENT



RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Notice of Non-Compliant Appeal Brief mailed on March 23, 2007.
In compliance with 37 CFR 41.37, Appellants submit the following corrected Appeal Brief.

In addition to making the corrections required by the Notice, Appellants have revised the statement of the Applicable Law under 35 U.S.C. §103 to take into account the *KSR Int'l Co. v. Teleflex Inc.* case decided by the Supreme Court after filing of the previous Appeal Brief.



APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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The Appeal Brief is presented in response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed on August 29, 2006 and further in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on August 14, 2006, from the Final Rejection of claims 1-11, 14-17, 21-29 and 31-59 of the above-identified application, as set forth in the Final Office Action mailed on April 13, 2006.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$500.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee, EBAY INC., as evidenced by the Assignment from the inventors recorded June 5, 2000 at Reel 010827, Frame 0160.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants that will have a bearing on the Board's decision in the present appeal.

3. STATUS OF THE CLAIMS

The present application was filed on February 14, 2000 with claims 1-20. Claims 21-59 were added during prosecution and claims 12-13, 18-20 and 30 were canceled. A non-final Office Action was mailed September 13, 2005. A Final Office Action (hereinafter “the Final Office Action”) was mailed April 13, 2006. Claims 1-11, 14-17, 21-29 and 31-59 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action dated April 13, 2006.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Some aspects of the present inventive subject matter include, but are not limited to, rating systems and user feedback mechanisms for use in electronic environments where user feedback may be provided. Multiple independent method, system and computer readable medium claims along with their respective dependent claims accordingly cover at least these aspects.

Independent claim 1 recites a method including associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values represent an individual rating associated with each user. The method then derives a community rating (e.g., see pg. 6, ln. 8-20) uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community (e.g., see Fig. 2, pg. 8, ln. 14-23, pg. 9, ln. 11-24, Fig. 6A, pg. 15, ln. 13-24).

Independent claim 14 recites a machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to (e.g., Fig. 3, memory 365, storage devices 370, pg. 11, ln. 1-24) associate one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values (e.g., see pg. 6, ln. 8-20) representing an individual rating associated with each user, and to derive a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community (e.g., see Fig. 2, pg. 8, ln. 14-23, pg. 9, ln. 11-24, Fig. 6A, pg. 15, ln. 13-24).

Independent claim 22 recites a method including associating a first characteristic value with a first user of a plurality of users within an online trading community, the first characteristic value being obtained for the first user utilizing a first feedback value based on feedback received concerning the first user from other users of the plurality of users. Then associating a second characteristic value with a second user of the plurality of users, wherein the second user is

referred to the online trading community by the first user, the second characteristic value being obtained for the second user utilizing a second feedback value based on feedback received concerning the second user from other users of the plurality of users, and deriving a first community rating for the first user by utilizing an aggregation of the first characteristic value and the second characteristic value (e.g., see Fig. 2, pg. 8, ln. 14-23, pg. 9, ln. 11-24, Fig. 6A, pg. 15, ln. 13-24 and Fig. 6B, pg. 16, ln. 1-24).

Independent claim 28 recites a machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to (e.g., Fig. 3, memory 365, storage devices 370, pg. 11, ln. 1-24) associate a first characteristic value with a first user of a plurality of users within an online trading community, the first characteristic value is obtained for the first user by utilizing a first feedback value based on feedback received concerning the first user from other users of the plurality of users, associate a second characteristic value with a second user of the plurality of users, wherein the second user is referred to the online trading community by the first user, the second characteristic value is obtained for the second user by utilizing a second feedback value based on feedback received concerning the second user from other users of the plurality of users, and derive a first community rating for the first user by utilizing an aggregation of the first characteristic value and the second characteristic value (e.g., see Fig. 2, pg. 8, ln. 14-23, pg. 9, ln. 11-24, Fig. 6A, pg. 15, ln. 13-24 and Fig. 6B, pg. 16, ln. 1-24).

Independent claim 42 recites a method including associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user (e.g., see pg. 6, ln. 8-20). The method then determines a community rating uniquely corresponding to a particular user (e.g., see Fig. 2, pg. 8, ln. 14-23, pg. 9, ln. 11-24, Fig. 6A, pg. 15, ln. 13-24 and Fig. 6B, pg. 16, ln. 1-24) by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user (e.g., see Fig. 2, elements 134 and 234), (2) one or more characteristic values associated with each user of the plurality of users referred to the online trading community by the particular user (e.g., see Fig. 2, users 125 and 126), (3) one or more characteristic values associated with each user referred to the online trading community by

each referred user of the particular user (e.g., see Fig. 2, users 121-123, 127), and (4) a number of users referred to the online community by the particular user (see Fig. 2, users 121-127).

Independent claim 48 recites a system including a first storage medium (e.g., Fig. 3, memory 365, storage devices 370, pg. 11, ln. 1-24 and data structure 430 of Fig. 4, pg. 13, ln. 14-18) and a first computer (e.g., Figs. 3 and 4, server computer 305, pg. 12, ln. 1-24 and Fig. 4, pg. 13, ln. 5-18) coupled with the first storage medium, the first computer to associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user (e.g., see pg. 6, ln. 8-20) and determining a community rating uniquely corresponding to a particular user by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user (e.g., see Fig. 2, elements 134 and 234), (2) one or more characteristic values associated with each user of the plurality of users referred to the online trading community by the particular user (e.g., see Fig. 2, users 125 and 126), (3) one or more characteristic values associated with each user referred to the online trading community by each referred user of the particular user (e.g., see Fig. 2, users 121-123, 127), and (4) a number of users referred to the online community by the particular user (see Fig. 2, users 121-127).

Independent claim 55 recites a machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to (e.g., Fig. 3, memory 365, storage devices 370, pg. 11, ln. 1-24) associate one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user (e.g., see pg. 6, ln. 8-20), and to determine a community rating uniquely corresponding to a particular user by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user (e.g., see Fig. 2, elements 134 and 234), (2) one or more characteristic values associated with each user of the plurality of users referred to the online trading community by the particular user (e.g., see Fig. 2, users 125 and 126), (3) one or more characteristic values associated with each user referred to the online trading community by each referred user of the particular user (e.g., see Fig. 2, users 121-123, 127), and (4) a number of users referred to the online community by the particular user (see Fig. 2, users 121-127).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

§102 Rejection of the Claims

Claims 1-8, 11, 14-17, 21-29, 31-32, 40-45, 47 and 55-58 were rejected under 35 U.S.C. § 102(e) for anticipation by Epinions.com (hereinafter, “Epinions”).

§103 Rejection of the Claims

Claims 33-39, 48-51 and 53-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epinions.com (hereinafter, “Epinions”).

Claims 9-10, 46, 52 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epinions.com in view of Aho et al. (*Data Structures and Algorithms*) (hereinafter, “Aho”).

7. ARGUMENT

Rejection Under 35 U.S.C. §102(b)

Claims 1-8, 11, 14-17, 21-29, 31-32, 40-45, 47 and 55-58 were rejected under 35 U.S.C. § 102(e) as anticipated by Epinions.com (hereinafter, "Epinions").

A) The Applicable Law under 35 U.S.C. §102(b)

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Although, during examination the claims must be interpreted as broadly as their terms reasonably allow, that interpretation must be tempered by the context in which the term is used. The court in *Hyatt* stated that "during examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2D (BNA) 1664, 1667 (Fed. Cir. 2000) (emphasis added) ("During examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification." citing *In re Graves*, 69 F.3d 1147, 1152, 36 U.S.P.Q.2D (BNA) 1697, 1701 (Fed. Cir. 1995); *In re Etter*, 756 F.2d 852, 858, 225 U.S.P.Q. (BNA) 1, 5 (Fed. Cir. 1985) (en banc).).

B) Claims 1-8, 11, 14-17, 21-29, 31-32, 40-45, 47 and 55-58 were rejected under 35 U.S.C. § 102(e) as anticipated by Epinions.

Because Epinions does not show all elements of the rejected claims, the Final Office Action failed to make a prime facie showing of anticipation.

Discussion of Independent Claim 1:

Claim 1 recites as follows:

A method, comprising:

associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and

deriving a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community.

(Emphasis added)

Claim 1 is rejected under 35 USC § 102(b) as being anticipated by Epinions. This rejection is respectfully traversed, and Appellants respectfully submit that the Final Office Action has made an improper prima facie showing of anticipation.

In contrast to claim 1, Epinions describes a web site configured to allow users to present reviews of products to other users of Epinions. Optionally, those other users may provide a response indicating he/she trusts the originator of the review and may also indicate an approval level of the individual reviews themselves (e.g., “very useful”). A user’s page displays who the user trusts and who trusts the user (see reference, page 9). The “web of trust” created extends only to those users that have made direct contact with the “trusted” user’s opinions and vice versa. In other words, the trusted users are not one or more users referred by the particular user to the online trading community, as recited in claim 1.

Merriam-Webster’s online dictionary defines “referral, referred” as, “to send or direct for treatment, aid, information, or decision <refer a patient to a specialist>...” (<http://www.m-w.com/dictionary/referring>, emphasis added). Epinions does not discuss, “one or more users referred by the particular user to the online trading community,” as recited in claim 1. There is nothing in Epinions to suggest that a user, such as Bonies7 (page 10), has referred, sent, or directed any other users to the Epinions “community.” Merely “backing” another user by providing feedback on his/her review is clearly not a referral (referred) as plainly defined by Merriam-Webster’s dictionary. The Examiner has indicated in the April 13, 2006 Office Action (OA):

Epinions.com teaches that a rating is derived for a specific user by combining a value/values associated with the user and a value/values associated with other

users referred to the web of trust by the user (i.e. directed to the group by association with the particular user)...Epinions.com obtains at least one rating for the particular user based on the responses of the community to that specific user, the responses of the specific user to other members of the community, and the specific user's interaction with the community. (OA, page 16, 1st paragraph). (Emphasis added).

There is nothing in Epinions that describes or suggests, as quoted above, combining a value/values associated with the user and a value/values associated with other users referred to the web of trust by the user. Epinions certainly does not disclose one or more characteristic values associated with one or more users referred by the particular user to the online trading community, as recited in claim 1. In other words, Epinions does not use or take into account the other user's characteristic value or values (e.g., community rating "trusted") when deriving the particular user's community rating. Instead, as mentioned above, Epinions merely discloses that the other users may provide a response indicating he/she trusts the originator (first user) of the review and may indicate an approval level of the individual reviews provided by the originator (first user) (e.g., "very useful").

To distinguish even further, there is nothing in Epinions that discusses the limitation of aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community. It is clear the Examiner has mischaracterized this limitation as indicated in the OA:

Examiner notes that she agrees with applicant that Epinions.com does not specifically teach a user recruiting and functionally causing another user to visit and join the community (an example of functionally causing another user to join the community would be, for example, giving other users passcodes to the community). However, Examiner points out that there is no specific recitation in the claims as to what being "referred" functionally entails. As previously discussed, Examiner suggests bring such functional language into the claims. However, as the claims are written, a user "backing" another user is sufficient to meet the recitation of being referred to the online community. (OA, page 17, 1st paragraph) (Emphasis added).

However, Appellants in claim 1 are not claiming or attempting to claim a user recruiting and functionally causing another user to visit and join the community. Adding such language in light of the current limitations cited would unnecessarily limit the scope

of the claim. Specifically, as mentioned above, Epinions does not disclose, “deriving a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users, and where those one or more users are referred by the particular user to the online trading community.” The term “referred” clearly indicates which of the online trading community users will be used to “derive” the community rating for the particular user, which in turn clearly differentiates the claimed subject matter from the prior art. It is unclear to the Appellants how “backing” and supporting a user’s review is relevant to the claimed subject matter as discussed above.

Therefore, for at least these reasons, Appellants respectfully submit that claim 1 is patentable over Epinions. Appellants respectfully request reconsideration and reversal of the §102(e) rejection of independent claim 1.

Discussion of Independent Claims 14, 22, 28, 40, 42 and 55:

Independent claims 14, 22, 28, 40, 42 and 55 have substantially similar limitations to the limitations found in independent claim 1. The same arguments that applied to independent claim 1 are also applicable to these independent claims. Therefore, Appellants respectfully submit that these independent claims are also patentable over Epinions. Appellants respectfully request reconsideration and reversal of the §102(e) rejection of these independent claims.

Discussion of Dependent Claims 2-8, 11, 15-17, 21, 23-27, 29, 31-32, 41, 43-45, 47 and 56-58:

A dependent claim is deemed to include all the limitations of an independent claim from which it depends. Therefore, the above arguments for the independent claims are also applicable in addressing the rejection of dependent claims 2-8, 11, 15-17, 21, 23-27, 29, 31-32, 41, 43-45, 47 and 56-58 under 35 U.S.C. §102(e). Thus, Appellants respectfully submit that these dependent claims are also patentable over Epinions. Appellants respectfully request reconsideration and reversal of the §102(e) rejection of these dependent claims.

Rejection Under 35 U.S.C. §103

Claims 33-39, 48-51 and 53-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Epinions.com (hereinafter, “Epinions”).

Claims 9-10, 46, 52 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epinions.com in view of Aho et al. (*Data Structures and Algorithms*) (hereinafter, “Aho”).

A) The Applicable Law under 35 U.S.C. §103

In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. See M.P.E.P. §2142.

In the recent decision of the Supreme Court on *KSR Int’l Co. v. Teleflex Inc.*¹, the analysis of obviousness previously set forth in *Graham v. John Deere Co. of Kansas City*², was reaffirmed. The Court in *Graham* set out an objective analysis for applying §103 as follows:

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined.”³

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

B) Claims 33-39, 48-51 and 53-54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epinions.com (hereinafter, “Epinions”).

Because Epinions alone does not teach or suggest each and every element of the rejected claims, the Final Office Action failed to make a *prima facie* showing of obviousness of the rejected claims.

¹ 127 S.Ct. 1727, 82 USPQ.2d 1385 (2007)

² 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966)

³ The Court in *KSR v. Teleflex*, at page 1730, quoted the analysis of *Graham* from page 18.

Discussion of Independent Claims 33 and 48:

Because independent claims 33 and 48 have substantially similar limitations to independent claim 1, the arguments applicable to claim 1 with respect to Epinions also apply to independent claims 33 and 48.

Epinions does not teach an element below as recited in claim 33.

“to derive a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community” (emphasis added)

Epinions does not teach an element below as recited in claim 48.

“(2) one or more characteristic values associated with each user of the plurality of users referred to the online trading community by the particular user” (emphasis added)

Consequently, Appellants respectfully submit that Epinions alone does not teach or suggest each and every element of the rejected independent claims 33 and 48. For that reason, independent claims 33 and 48 are allowable. Thus, Appellants respectfully request reversal of the §103 rejection of independent claims 33 and 48.

Discussion of Dependent Claims 34-39, 49-51 and 53-54:

A dependent claim is deemed to include all the limitations of an independent claim from which it depends. Because dependent claims 34-39, 49-51 and 53-43 respectively depend on independent claims 33 and 48, most if not all the arguments that applied to independent claims 34 and 48 with respect to Epinions also applies to these dependent claims. Consequently, these dependent claims are patentable over Epinions. Thus, Appellants respectfully request reconsideration and reversal of the §103 rejection of these dependent claims.

C) Claims 9-10, 46, 52 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epinion in view of Aho et al. (Data Structures and Algorithms) (hereinafter, “Aho”).

Because Epinions in combination with Aho does not teach or suggest each and every element of the rejected claims, the Final Office Action failed to make a prima facie showing of obviousness of the rejected claims.

Adding what is taught in Aho to Epinions fails to cure the defects of Epinions, therefore Epinions alone or in view of Aho fails to show that the present claims are obvious. Aho discusses “trees” representing a hierarchal structures (e.g., nodes, circuits, etc., see Aho reference sheet 5). However, Aho fails to disclose,

“associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and deriving a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community”

as recited in independent claim 1.

Discussion of Dependent Claims 9-10:

Claims 9 and 10, directly or indirectly, depend on independent claim 1, thus include all the limitations of independent claim 1. For the reasons discussed for claim 1, Appellants respectfully submit that Epinions does not disclose,

“deriving a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users, and where those one or more users are referred by the particular user to the online trading community” (emphasis added)

as included in claims 9 and 10. Aho also fails to disclose such limitations as included in claims 9 and 10. Therefore, Appellants respectfully submit that, even in combination, Epinions and Aho do not teach or suggest each and every element of each claim of the rejected claims 9 and 10, thus do not render claims 9 and 10 obvious. Accordingly, Appellants respectfully request reconsideration and reversal of the §103 rejection of claims 9 and 10.

Discussion of Dependent Claims 46, 52 and 59:

Because dependent claims 46, 52 and 59 have substantially similar limitations to dependent claim 10, most if not all the arguments that applied to claim 10 with respect to Epinions and Aho also apply to dependent claims 46, 52 and 59. Therefore, Appellants respectfully submit that, even in combination, Epinions and Aho do not teach or suggest each and every element of each claim of the rejected claims 46, 52 and 59, thus do not render claims 46, 52 and 59 obvious. Accordingly, Appellants respectfully request reconsideration and reversal of the §103 rejection of claims 46, 52 and 59.

8. SUMMARY

For at least the reasons argued above, the independent claims 1, 14, 22, 28, 33, 42, 48, and 55 and their associated dependent claims were not properly rejected under 35 U.S.C. 102(e) or 35 U.S.C. 103(a) as being unpatentable over Epinions alone or in combination with Aho.

Therefore, it is respectfully submitted that the art cited does not anticipate or render the present claims obvious and that the claims are patentable over the cited art. Reversal of the rejection and allowance of the pending claims is respectfully requested.

Respectfully submitted,

ROBERT J. RATTERMAN et al.

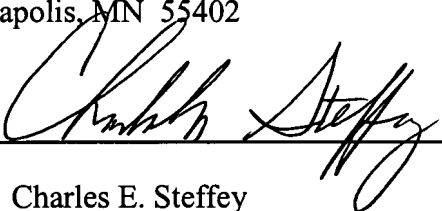
By their Representatives,

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Date May 23, 2007 By



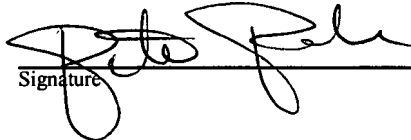
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Name

Peter Rebuffoni

Signature



CLAIMS APPENDIX

1. A method, comprising:
associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and
deriving a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community.
2. The method of claim 1, wherein the online trading community comprises an electronic community to trade merchandise over a network, wherein the trading of the merchandise comprises at least one of buying or selling of goods or services.
3. The method of claim 2, wherein the network comprises the Internet.
4. The method of claim 1, wherein the one or more characteristic values comprise a feedback value based on feedback concerning the particular user received from other users of the plurality of users in the electronic community.
5. The method of claim 4, wherein the other users of the plurality of users comprise users that have previously traded with the particular user.
6. The method of claim 1, further comprising maintaining a relationship tree between each user of the plurality of users, the relationship tree includes sponsorship relationships between the particular user and any users of the plurality of users that were referred by the particular user.

-
7. The method of claim 6, wherein the sponsorship relationships of the plurality of users are represented as the relationship tree including one or more n-ary trees.
 8. The method of claim 6, wherein information concerning the sponsorship relationships between the plurality of users is stored in a data structure for each user of the plurality of users.
 9. The method of claim 8, wherein the data structure for the particular user contains a pointer to at least one user of the plurality of users that was referred by the particular user.
 10. The method of claim 1, wherein the deriving of the community rating for the particular user is performed utilizing a recursive routine.
 11. The method of claim 1, wherein the community rating and the one or more characteristic values comprise one or more of the following: alphabetic values, numeric values, alpha-numeric values, symbolic values, and graphic values.
 14. A machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to:
associate one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and
derive a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community.
 15. The machine-readable medium of claim 14, wherein the online trading community comprises an electronic community buying and selling of merchandise over a network,

the merchandise having at least one of goods and services.

16. The machine-readable medium of claim 15, wherein the one or more characteristic values comprise a feedback value based on feedback concerning the particular user received from other users of the plurality of users in the electronic community.
17. The machine-readable medium of claim 14, wherein the sets of instructions which, when executed by the machine, further cause the machine to maintain a relationship tree between each user of the plurality of users, the relationship tree includes sponsorship relationships between the particular user and any user of the plurality of users that were referred by the particular user.
21. The method of claim 1, wherein the community rating for the particular user represent a reputation value corresponding to the particular user.
22. A method, comprising:
 - associating a first characteristic value with a first user of a plurality of users within an online trading community, the first characteristic value being obtained for the first user utilizing a first feedback value based on feedback received concerning the first user from other users of the plurality of users;
 - associating a second characteristic value with a second user of the plurality of users, wherein the second user is referred to the online trading community by the first user, the second characteristic value being obtained for the second user utilizing a second feedback value based on feedback received concerning the second user from other users of the plurality of users; and
 - deriving a first community rating for the first user by utilizing an aggregation of the first characteristic value and the second characteristic value.
23. The method of claim 22, further comprising:
 - associating a third characteristic value with a third user of the plurality of users, wherein

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- the third user is referred to the online trading community by the second user, the third characteristic value is obtained for the third user by utilizing a third feedback value based on feedback received concerning the third user from other users of the plurality of users; and
- deriving a second community rating for the second user by utilizing an aggregation of the second characteristic value and the third characteristic value.
24. The method of claim 22, further comprising maintaining a relationship tree between the first user and the second user of the plurality of users, wherein the relationship tree comprises a sponsorship relationship having the second user as a lineal descendent of the first user.
25. The method of claim 23, further comprising maintaining a relationship tree between the second user and the third user of the plurality of users, wherein the relationship tree comprises a sponsorship relationship having the third user as a lineal descendant of the second user.
26. The method of claim 24, wherein the relationship tree comprises a nexus between the first user, the second user, and other users referred by at least one of the first user and the second user.
27. The method of claim 22, wherein the first community rating comprises first reputation value corresponding to the first user, and the second community rating comprises second reputation value corresponding to the second user.
28. A machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to:
- associate a first characteristic value with a first user of a plurality of users within an online trading community, the first characteristic value is obtained for the first user by utilizing a first feedback value based on feedback received concerning the

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- first user from other users of the plurality of users;
associate a second characteristic value with a second user of the plurality of users,
wherein the second user is referred to the online trading community by the first
user, the second characteristic value is obtained for the second user by utilizing a
second feedback value based on feedback received concerning the second user
from other users of the plurality of users; and
deriving a first community rating for the first user by utilizing an aggregation of the first
characteristic value and the second characteristic value.
29. The machine-readable medium of claim 28, wherein the sets of instructions which, when
executed by the machine, further cause the machine to maintain a relationship tree
between the first user and the second user of the plurality of users, wherein the
relationship tree comprises a referral relationship having the second user as a lineal
descendent of the first user and the second user is referred to the online trading
community by the first user.
31. The machine-readable medium of claim 28, wherein the relationship tree comprises a
nexus between the first user, the second user, and other users referred by at least one of
the first user and the second user.
32. The machine-readable medium of claim 28, wherein the first community rating comprises
first reputation value corresponding to the first user, and the second community rating
comprises second reputation value corresponding to the second user.
33. A system, comprising:
a first storage medium; and
a first computer coupled with the first storage medium, the first computer to associate one
or more characteristic values with each user of a plurality of users of an online
trading community, the one or more characteristic values representing an
individual rating associated with each user, and

to derive a community rating uniquely corresponding to a particular user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community.

34. The system of claim 33, further comprising:
a second storage medium; and
a second computer coupled with the second storage medium and the first computer via a network interface, the second computer to receive feedback concerning the particular user from other users of the plurality of users, generate a feedback value corresponding to the particular user based on the feedback, and transmit the feedback value to the first computer.
35. The system of claim 34, wherein the first computer comprises a server computer and the second computer comprises a client computer.
36. The system of claim 33, wherein the first computer is further to maintain a relationship tree between each user of the plurality of users, the relationship tree includes sponsorship relationships between the particular user and any users of the plurality of users that were referred by the particular user.
37. The system of claim 33, wherein the first computer is further to determine the one or more characteristic values based on the feedback value corresponding to the particular user.
38. The system of claim 34, wherein the second computer is accessed by the plurality of users to trade merchandise, wherein the trading of the merchandise comprises buying or selling of goods or services.
39. The system of claim 34, wherein the network interface is to couple the first computer

with the second computer over a network having the Internet.

40. The machine-readable medium of claim 28, wherein the sets of instructions which, when executed by the machine, further cause the machine to:
- associate a third characteristic value with a third user of the plurality of users, wherein the third user is referred to the online trading community by the second user, the third characteristic value is obtained for the third user by utilizing a third feedback value based on feedback received concerning the third user from other users of the plurality of users; and
- derive a second community rating for the second user by utilizing an aggregation of the second characteristic value and the third characteristic value.
41. The machine-readable medium of claim 40, wherein the sets of instructions which, when executed by the machine, further cause the machine to maintain a relationship tree between the second user and the third user of the plurality of users, wherein the relationship tree comprises a sponsorship relationship having the third user as a lineal descendent of the second user.
42. A method, comprising:
- associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and
- determining a community rating uniquely corresponding to a particular user by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user, (2) one or more characteristic values associated with each user of the plurality of users referred to the online trading community by the particular user, (3) one or more characteristic values associated with each user referred to the online trading community by each referred user of the particular user, and (4) a number of users referred to the online community by the particular user.

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43. The method of claim 42, further comprising associating the community rating to the particular user.
44. The method of claim 42, wherein the online trading community comprises an electronic community to trade merchandise over a network, wherein the trading of the merchandise comprises at least one of buying or selling of goods or services.
45. The method of claim 42, further comprising maintaining a relationship tree between the particular user, each user referred to the online trading community by the particular user, and each user referred to the online trading community by each referred user of the particular user.
46. The method of claim 42, wherein the determining of the community rating for the particular user is performed utilizing a recursive routine.
47. The method of claim 42, wherein the one or more characteristic values and the community rating comprise one or more of the following: alphabetic values, numeric values, alpha-numeric values, symbolic values, and graphic values.
48. A system, comprising:
a first storage medium; and
a first computer coupled with the first storage medium, the first computer to associating one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and
determining a community rating uniquely corresponding to a particular user by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user, (2) one or more characteristic values associated with each user of the plurality of users referred to the online trading community by the

particular user, (3) one or more characteristic values associated with each user referred to the online trading community by each referred user of the particular user, and (4) a number of users referred to the online community by the particular user.

49. The system of claim 48, further comprising:
a second storage medium; and
a second computer coupled with the second storage medium and the first computer via a network interface, the second computer to receive feedback concerning the particular user from other users of the plurality of users, generate a feedback value corresponding to the particular user based on the feedback, and transmit the feedback value to the first computer.
50. The system of claim 49, wherein the first computer comprises a server computer and the second computer comprises a client computer.
51. The system of claim 48, wherein the first computer is further to associate the community rating to the particular user; and
maintain a relationship tree between the particular user, each user referred to the online trading community by the particular user, and each user referred to the online trading community by each referred user of the particular user.
52. The system of claim 48, wherein the first computer is further to perform a recursive routine when determining the community rating for the particular user.
53. The system of claim 48, wherein the one or more characteristic values and the community rating comprise one or more of the following: alphabetic values, numeric values, alpha-numeric values, symbolic values, and graphic values.
54. The system of claim 49, wherein the second computer is accessed by the plurality of

users to trade merchandise, wherein the trading of the merchandise comprises buying or selling of goods or services.

55. A machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to:
- associate one or more characteristic values with each user of a plurality of users of an online trading community, the one or more characteristic values representing an individual rating associated with each user; and
- determine a community rating uniquely corresponding to a particular user by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user, (2) one or more characteristic values associated with each user of the plurality of users referred to the online trading community by the particular user, (3) one or more characteristic values associated with each user referred to the online trading community by each referred user of the particular user, and (4) a number of users referred to the online community by the particular user.
56. The machine-readable medium of claim 55, wherein the sets of instruction which, when executed by the machine, further cause the machine to associate the community rating to the particular user.
57. The machine-readable medium of claim 55, wherein the online trading community comprises an electronic community to trade merchandise over a network, wherein the trading of the merchandise comprises at least one of buying or selling of goods or services.
58. The machine-readable medium of claim 55, wherein the sets of instruction which, when executed by the machine, further cause the machine to maintain a relationship tree between the particular user, each user referred to the online trading community by the particular user, and each user referred to the online trading community by each referred

user of the particular user.

59. The machine-readable medium of claim 55, wherein the sets of instruction which, when executed by the machine, further cause the machine to perform a recursive routing when determining of the community rating for the particular user.

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Serial Number: 09/503,960

Filing Date: February 14, 2000

Title: DETERMINING A COMMUNITY RATING FOR A USER USING FEEDBACK RATINGS OF RELATED USERS IN AN
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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.